

REMARKS

The Office Action dated June 4, 2007 has been fully considered by the Applicant.

Attached is a Petition for a One-Month Extension of Time and a check in the amount of \$120 to cover the fee.

Claims 1-17 have been previously presented.

Claims 1, 4-11 and 13-16 have been rejected under 35 USC 103(a) as being unpatentable over United States Patent No. 5,995,155 to Schindler et al in view of United States Patent No. 5,740,466 to Geldman et al in further view of United States Patent No. 5,754,651 to Blatter et al in further view of United States Patent No. 6,233,389 to Barton et al.

According to the MPEP 2143, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art."

Applicants' independent claim 1 is as follows:

A receiver for digital data which is broadcast from a remote location, said receiver comprising: a storage means which allows the selective storage of received data therein; and a control system for the control of the storage means and the storage of data therein and wherein said storage means includes a single "first in first out" buffer which includes generic commands, said generic commands including commands for the control system intermixed in said buffer with commands for the control of the storage of the data in the storage means.

In the Office Action on Page 4, Examiner Vent states that: "Barton et al further teaches the intermixing of generic commands and storage commands as being stored in the buffer as described in Column 9, Lines 23-47."

Column 9, lines 23-47 in the '389 Barton et al patent reads as follows:

The control object 917 accepts commands from the user and sends events into the pipeline to control what the pipeline is doing. For example, if the user has a remote control and is watching TV, the user presses pause and the control object 917 sends an event to the sink 903, that tells it pause. The sink 903 stops asking for new buffers. The current pointer 920 stays where it is at. The sink 903 starts taking buffers out again when it receives another event that tells it to play. The system is in perfect synchronization; it starts from the frame that it sopped at.

Nowhere in the '389 patent to Barton et al or for that matter in either the '155 Schindler et al patent, the '466 Geldman et al patent or the '651 Blatter Et al patent can be found Applicant's claimed element of storage means includes a single "first in first out" buffer which includes generic commands including commands for the control system intermixed in said buffer with commands for the control of the storage of the data in the storage means. Since all of the claim limitations have not been taught or suggested in the cited references, Applicants believe that no prima facie obviousness of claim 1 has been established and, therefore, believe independent claim 1 is non-obvious.

In summary, the combination of asserted patents does not suggest or disclose the limitations of claim 1.

Applicants' independent claim 16 reads as follows:

A receiver for digital data which is broadcast from a remote location, said receiver comprising: storage means which allows the selective storage of received data therein; and a control system for the control of the storage means and the storage of data therein and wherein said storage means includes a single first in first out buffer which includes commands for the control system that are used to automate the bulk transfer of said data to and from said storage means, intermixed with commands for control of the storage of the data in the storage means which include read/write instructions.

Examiner Vent included Applicants' independent claim 16 in the rejection under 103(a), however, Applicant fails to find where Examiner Vent has addressed the claim limitations found in Applicants' independent claim 16. The only reference Examiner Vent makes to Applicants' independent claim 16 is on Page 10 of the Office Action, which reads as follows:

In regard to Claim 16, Schindler et al discloses a receiver for digital data which is broadcast from a remote location, as previously discussed in Claim 1, with the additional limitation of the storage means which allows for selective storage of received data (column 4, line 10-14 data is recorded and displayed according to user query).

However, Examiner Vent has failed to discuss or show that all of the claim limitations of Applicants' independent claim 16 are taught or suggested in the cited references. Therefore, Applicants believe that no *prima facie* obviousness of claim 16 has been established.

In addition, Examiner Vent has failed to show a reasonable expectation of success of combining Applicants' intermixing of commands for the storage means control system with commands for the control of the storage of the data in the storage means since the cited references, in particular, the Blatter patent '651, teaches away from intermixing the commands for the storage means control system with commands for the control of the storage of data in the storage means.

The Blatter '651 patent, at column 5, lines 35-56, reads in part as follows:

Unit 60 contains four packet buffers accessible by controller 115. One of the buffers is assigned to hold data destined for use by controller 115 and the other three buffers are assigned to hold packets that are destined for use by application devices 75, 80 and 85. Access to the packets stored in the four buffers with the unit 60 by both controller 115 and by application interface 70 is controlled by buffer control unit 65. ... Control unit 65 determines a series of read and write pointers associated with packets stored in buffer 60 based on the First-In-Out (FIFO) principle. ... The read pointers permit sequential reading of packets from the appropriate unit 60 destination buffers by controller 115 and application interface 70.

Applicants' independent claims 1 and 16 utilize generic commands which allow two type of commands to be mixed in a single buffer. Clearly, mixing of the two type of commands in the same buffer is not taught or suggested in the cited references, and no where in the cited references is the success of such intermixing of commands in a single buffer taught or suggested. Therefore, Applicants believe that independent claims 1 and 16, along with dependent claims 2-25 and 17, are non-obvious and respectfully request reconsideration of the rejection.

Applicants believe that the combination of Geldman et al and Schindler et al and Blatter et al, and Barton et al taken together would not provide the limitations of Applicants' claims.

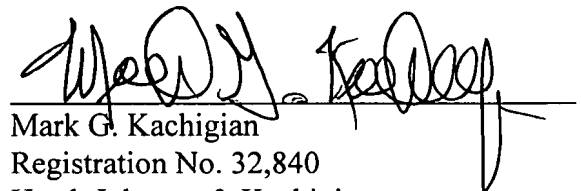
Furthermore, the combination of these references to achieve the limitations of the present invention is untenable.

Claims 2 and 3 have been rejected under 35 USC 103(a) as being unpatentable over United States Patent No. 5,955,155 to Schindler et al in view of United States Patent No. 5,740,466 to Geldman et al and in further view of United States Patent No. 4,166,289 to Murtha et al. Reconsideration of the rejection is requested.

Claims 2 and 3 depend from independent claim 1 and are therefore believed to be non-obvious as stated herein.

It is believed that the foregoing is fully responsive to the outstanding Office Action. If any issues remain, a telephone conference with the Examiner is requested. If any fees are associated with this action, please charge Account No. 08-1500.

Respectfully submitted,



Mark G. Kachigian
Registration No. 32,840
Head, Johnson & Kachigian
228 West 17th Place
Tulsa, Oklahoma 74119
(918) 587-2000
Attorneys for Applicant

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